THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.19851 of 2000

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Dated: December 26, 2005

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Between:

Katla Lakshman, S/o. late K. Gangaram,

28 years, R/o. Bathikepalli, Pegadapalli

Mandal, Karimnagar District.

… Petitioner

And

Regional Manager, APSRTC,

Karimnagar, and two others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus declaring the action of the respondents in not considering the case of the petitioner for providing appointment on compassionate grounds, though he is eligible and qualified and directing him to

produce Succession Certificate, as arbitrary and illegal, and for a consequential direction to the respondents to consider and provide employment on compassionate grounds in any post to which the petitioner is eligible.

2. Petitioner, claiming to be the son of late K. Gangaram, who worked as Helper at Jagityal Depot of the APSRTC, the respondents, states that his father died while in service on 25-09-1997 at Civil Hospital, Jagityal, leaving him, his mother, sister and a brother, behind. It is the case of the petitioner that he is the eldest son born to the first wife of his father and after the death of his mother, his father married Smt. Katla Laxmi, and they all have been living together. It is stated that after the death of his father, her stepmother, being the nominee, was paid all the benefits. Petitioner claims that immediately after the death of his father, he made an application dated 08-12-1997, i.e. within three months from the date of death of his father to the respondents seeking appointment in the respondent-Corporation on compassionate grounds, by enclosing the requisite documents. It is further stated that his stepmother had also made a representation to the authorities for compassionate appointment; however, she had withdrawn the same and gave 'No objection' for providing employment to the petitioner. It is further stated that the Depot Manager, APSRTC, by proceedings dated 29-09-1999 directed the petitioner to produce Succession Certificate for considering his case for appointment on compassionate grounds under the 'Bread Winner Scheme'. Petitioner states that on receipt of the said proceedings, he submitted a representation duly enclosing Family Member Certificate issued by the Mandal Revenue Officer, Pagedepalli, and requested the authorities to consider and provide him appointment on compassionate grounds. It is alleged that no action whatsoever had been taken on the said representation. Petitioner impugns the action of the respondents in directing him to produce Succession Certificate for they are being given only in respect of moveable properties and not for the purpose of employment. Alleging inaction on the part of the respondents in not taking any action on his representation and asking him to produce Succession Certificate, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent-Corporation.

4. Respondents filed counter affidavit denying the allegations made by the petitioner

and stated that petitioner's father was working in the corporation and he died in harness on 25-09-1997. The deceased employee had a wife, mother, and two daughters and a sister as per his personal records; however, the name of the petitioner was not mentioned in the family declaration submitted by the employee on 19-04-1991 and the wife of the deceased employee who was declared a nominee had received all the settlement amounts. It is stated that the petitioner made a representation requesting to provide employment on compassionate grounds under the 'Bread Winner Scheme'.

The same was considered and on noticing that the name of the petitioner was not found in the family declaration submitted by the deceased employee, the petitioner was advised to produce Succession Certificate for considering his case for employment on compassionate grounds under the 'Bread Winner Scheme', and proceedings to that effect were issued on 29-09-1999. Learned Standing Counsel also produced a copy of the declaration issued by the deceased employee.

It is mainly contended that as the name of the petitioner is not available in the declaration given by the deceased employee on 19-04-1991, consideration of his case for providing compassionate appointment, does not arise. It is, thus, prayed to dismiss the writ petition.

5. In the record produced by the learned Standing Counsel, as also the declaration given by the employee of his family particulars, the name of the petitioner is nowhere found. Learned Standing Counsel also placed before this Court the Bread Winner Scheme, issued by them in the circular dated 05-05-2000. Clause 4 of Condition No. VII reads as under. -

> " The appointment is restricted to only one eligible dependant child or the Spouse, as the case may be, of the employee died in harness. The dependant may be appointed to the posts specified earlier, only when there is no other Bread Winner to the family, except the deceased himself/herself, and not otherwise. A thorough investigation should be made into the matter including the dependency of the child/wife of the deceased employee for providing employment before considering. The nominations executed by the employee for PF., Gratuity, SBT, SRBS., etc., should be cross checked with that of declarations for Bus Pass and Medical Identity Card for the above purpose."

6. As per the clause referred to above, a thorough investigation ought to be made

including the dependency of the child/wife of the deceased employee for providing employment and the nominations executed by the employee for PF., Gratuity, SBT., SRBS., etc., should also be
cross-checked with that of the declarations for Bus Pass and Medical Identity Card. Learned Standing Counsel, on enquiry submitted that the deceased employee did not avail medical benefits or Bus Pass in the name of the petitioner.

7. Petitioner's name is neither found in the records of the respondents nor in the declaration given by the deceased employee. The deceased employee is also said to have not availed any benefits, such as Medical, LTC, Bus Pass etc., in the name of the petitioner. Even the monetary benefits have already been taken away by the wife of the deceased employee. In the absence of the name of the petitioner in the records of the respondents that he is the son of the deceased employee, the petitioner cannot be allowed to contend that he being the son of the deceased employee is entitled for employment on compassionate grounds under the 'Bread Winner Scheme', and no exception can be taken to the action of the respondents in not considering his case for appointment on compassionate grounds.

8. The writ petition is devoid of merit and is accordingly dismissed. No costs.

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N.V. RAMANA, J.

December 26, 2005

MRR